

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

DIANA ROHRER, Individually and)
DIANA ROHRER and DAWN)
CUBBERNUSS as co-Administrators of)
The ESTATE OF DANIEL RICHARD)
ROHRER, Deceased,)

Plaintiffs,)

v.)

CAUSE NO.: 3:12-cv-00749-JTM-CAN

NEW ENGLAND COMPOUNDING)
PHARMACY, INC., aka NEW ENGLAND)
COMPOUNDING CENTER, AMERIDOSE)
LLC, ALAUNUS PHARMACEUTICAL)
LLC, BARRY CADDEN, individually,)
LISA CADDEN, individually, and)
GREGORY CONIGLIARO, individually,)

Defendants.)

DEFENDANT ALAUNUS PHARMACEUTICAL, LLC'S MOTION TO DISMISS

Defendant, Alaunus Pharmaceutical, LLC ("Alaunus"), by counsel, moves to dismiss Plaintiffs' Complaint, as to Alaunus, with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6). As fully set forth in Alaunus's accompanying brief, simultaneously filed herewith, Plaintiffs' Complaint fails to set forth a viable claim for relief and must be dismissed.

WHEREFORE, Defendant Alaunus Pharmaceutical, LLC respectfully requests that Plaintiff's Complaint, as to Alaunus, be dismissed in its entirety, with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6).

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By: /s/ Kameelah Shaheed-Diallo

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been filed with the Clerk of the Court on February 6, 2013 using the CM/ECF system which sent notification of this filing to the following:

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